REMARKS

In the Final Office Action dated December 16, 2005, pending claims 1-20 were considered and rejected. Pending claims 1-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,701,993 to Faherty ("Faherty") in view of U.S. Patent No. 4,681,645 to Fukushima ("Fukushima").

Arguments Supporting The Withdrawal Of §103 Rejection:

Pending claims 1-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Faherty in view of Fukushima. Applicants submit that neither Faherty, Fukushima, nor the combination of Faherty and Fukushima disclose, suggest, or teach each and every limitation of Applicants' independent claims 1, 9, and 16.

Faherty

Faherty discloses a tray sealing system that incorporates a beaded seal plate. Faherty, however, does not disclose a cylindrical body having an opening at a first end defined by a heatable perimeter. The Office Action fails to identify where Faherty discloses a cylindrical body having an opening at a first end defined by a heatable perimeter. As is clear from FIG. 8, Faherty shows a square shaped body. A square shaped body is not equivalent to a cylindrical body. Accordingly, Faherty does not disclose a cylindrical body having an opening at a first end defined by a heatable perimeter as required by Applicants' independent claims 1, 9 and 16.

Additionally, Faherty does not disclose the perimeter including a plurality of knurls, wherein the knurls provide varying high and low temperature points in the perimeter. The sealing surface 32 of Faherty does not contain any knurling. None of the figures of Faherty

shows any knurling and knurling is not discussed anywhere in Faherty. Instead, Faherty uses a bead or a plurality of beads. Therefore, Faherty does not disclose having knurls on the perimeter as required by Applicants' independent claims 1, 9, and 16.

Fukushima

Fukushima fails to disclose or teach anything about the perimeter being heatable and the knurls creating varying high and low temperature points in the perimeter. Fukushima discloses a vibrational welding apparatus for fusing together the bottom of a tubular container formed of a synthetic resin. Particularly, Fukushima uses vibrational energy to fuse together the bottom portion of the tubular container 29. As Fukushima discloses vibrational welding, it fails to disclose anything about heat welding. Accordingly, Fukushima fails to disclose or teach a heatable perimeter as required by Applicants' claims 1, 9, and 16.

Further, Fukushima fails to disclose or teach the knurls creating varying high and low temperature points in the perimeter. The knurls 24 on the end of the vibrator terminal 20 are used solely to transfer such shapes to the outer surface of the portion fused together (see column 3, lines 24-36). As no heat is applied to the knurls 24 of Fukushima, such knurls 24 do not, therefore, create varying high and low temperature points in the perimeter. The Office Action states that the knurls 24 on the horn 19 allow the horn to better engage and weld the materials. Applicants, however, contend that the marks 23 and knurls 24 are merely used to transfer such shapes to the bottom portion of the tube (see column 2, lines 52-54). The marks 23 and knurls 24 are therefore used solely for aesthetic purposes. They do not provide any sort of mechanical advantage to the sealing or engagement of the welded materials. Fukushima does not disclose anywhere that the knurls 24 allow the horn to better engage and weld the materials. Applicants respectfully request identification of where this can be found in Fukushima.

Combination of Faherty with Fukushima

Finally, combining Faherty with Fukushima does not overcome the shortcomings of Faherty and Fukushima individually. First, Applicants contend that there is no motivation to combine Faherty with Fukushima. The Office Action states that "it would have been obvious to one having ordinary skill in the art to employ knurls on the working surface of a welding plate, as taught by Fukushima et al, in the apparatus of Faherty in order to allow the seal plate to better engage and weld the materials." However, as previously argued Applicants contend that the knurls of Fukushima are merely used to create a decorative finish the bottom portion of the tubular container 29, and that Fukushima does not disclose the knurls allowing the seal plate to better engage and weld the materials. The knurls 24 of Fukushima do not provide any sort of mechanical advantage to the sealing or engagement of the welded materials. Because the knurls 24 of Fukushima are merely used for aesthetical purposes, one skilled in the art would have had no motivation to use such knurls with Faherty to provide varying high and low temperature points. Therefore, one skilled in the art would have no motivation to combine Faherty with Fukushima.

Even if one were to combine Faherty with Fukushima, Applicants contend that the combination thereof does not disclose or teach a cylindrical body having an opening at a first end defined by a heatable perimeter. As previously argued, Faherty fails to disclose the cylindrical body required in Applicants' claims. Further, Applicants contend that the combination of Faherty and Fukushima does not disclose or teach the knurls creating varying high and low temperature points in the perimeter. As previously argued, Faherty does not disclose knurls. And, Fukushima fails to disclose knurls creating varying high and low temperature points in the

perimeter. Accordingly, Applicants respectfully request withdrawal of the §103(a) rejection of claims 1, 9 and 16 and an indication that such claims are allowable.

As claims 2-8, 10-15, and 17-20 depend either directly or indirectly, from independent claims 1, 9, and 16 and add additional limitations thereto, the arguments above equally apply to those claims. Applicant, therefore, respectfully requests that the §103(a) rejection be withdrawn and submit that claims 2-8, 10-15, and 17-20 are now in condition for allowance.

In light of the foregoing, Applicant submits that the application is now in condition for allowance, and accordingly, respectfully requests the allowance thereof.

Respectfully,

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